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CLERK, U.S. DISTRICT COURT  
ST. PAUL, MN

JOEY, INC.

7020 HOMESTEAD AVE. SO.,

COTTAGE GROVE, MN 55016

DISTRICT OF MINNESOTA  
COURT CLERK

WARREN E. BURGER  
FEDERAL BUILDING AND  
U.S. COURTHOUSE,

316 NORTH ROBERT  
STREET - SUITE 100,  
SAINT PAUL, MN 55101

V.

20-cv-1837 WMW/HB

MICHAEL LOONAN

1812 SAUNDERS AVE.

SAINT PAUL, MN 55116,

AUGUST 20, 2020

MINNESOTA SHOWER AND BATH

510 HIGHWAY 169 N,

NEW HOPE, MN 55428,

RUSCO, INC.

510 HIGHWAY 169 N,

NEW HOPE, MN 55428,

KSTP-TV,

3415 UNIVERSITY AVE.

SAINT PAUL, MN 55114,

SCANNED

AUG 24 2020

U.S. DISTRICT COURT ST. PAUL

KMSP-TV,  
11358 VIKING DRIVE,  
EDEN PRAIRIE, MN 55344,

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AUG 24 2020

CLERK, U.S. DISTRICT COURT  
ST. PAUL, MN

KARE,  
8811 OLSON MEMORIAL HIGHWAY,  
MINNEAPOLIS, MN 55427

SUMMONS AND COMPLAINT

This summons and complaint are for compensation and relief from an infringement of a U.S Code, Title 17, Chapter 2, Sec. 201 for playing a jingle actually from Joey, Inc. (the jingle owner) Joseph McKenna of Cottage Grove, Minnesota created in 2013, at the defendant Michael Loonan's private residence in Ramsey County, Minnesota on the broadcast TV channels of KSTP-TV, KMSP-TV, KARE, WCCO-TV.

The jingle copyright owner created the jingle on defendant Michael Loonan's Mitchell brand guitar in the winter of 2013 while getting a tour of Michael Loonan's home studio during the pickup of a family member at the house.

Attached evidence items are the notation for:

Item 1-Jingle melody in performance key

Item 2-Jingle melody in D - the key the jingle was created in.

Item 3-Tuning of guitar needed - tuning the 1 step low

Item 4-Tuning of guitar after placing capo 1/2 step on guitar after 1 step low

The infringement use of the jingle melody by the defendants Minnesota Shower and Bath, Rusco Inc., KSTP-TV, KMSP-TV, KARE violates the Title 17 of the United States Code the Copyright Law of the United States. Specifically, Chapter 2, Sec. 201 Ownership of copyright. The infringement use has been documented in August 2020 as follows:

August 14, 2020

Item 5 - KSTP 5.1 channel commercial play

Item 6 - KARE 11 channel commercial play

On iphone media Item 7 (phone serial ends in HYFK, phone MEID ends in 1050) - video KMSP 9.1 channel commercial play

The jingle owner is the one and true owner of the jingle presented within this summons and complaint. The complexity of the musical notation shows difficulty in ear training to surmise the notation. The jingle owner has exclusive knowledge of the melody, arrangement and instrumentation of the jingle because of the jingle owner's true ownership. Items 1 through 4 demonstrate this exclusive knowledge of the melody. The melody, arrangement and instrumentation of the jingle are in the attached musical notation.

The jingle owner is asking the court to order relief of \$50,000 for the violation of US code Ownership of copyright for the attached jingle. The jingle owner is asking the court to vacate the any of the defendants ownership of the jingle and establish the jingle owner as the attached jingle copyright owner.

The jingle owner is asking that the defendants KMSP-TV, KSTP-TV, KARE, and any other media outlets to stop playing the commercial while the litigation is occurring.

First supporting case law is Reed Elsevier, Inc. v. Muchnick where the Supreme Court ruled that failure to register a copyright under the United States Copyright Act does not limit a Federal Court jurisdiction over claims of infringement regarding unregistered works.

Second supporting case law is from the Federal District of California Beach Boys vs. Check Berry case of 1963. Copyright was eventually awarded to Chuck Berry in 1966. In that case the Beach Boys said it was a tribute but Chuck Berry said it was plagiarism. Micheal Loonan's infringement on the copyright of the jingle is plagiarism.

AUGUST 20, 2020

(s) JOSEPH MCKENNA OWNER

JOEY, INC.